IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1059 OF 2006
IN
CRIMINAL APPEAL NO.973 OF 2006

Smt Jyoti Dnyaneshwar Kulkarni & Anr. ...Applicants

Versus

The State of Maharashtra ...Respondent

Shri S.S. Desai for the Applicants.
Shri S.R. Shinde, A.P.P for the Respondent.

CORAM : A. S. OKA, J.

DATE : NOVEMBER 27, 2006.

P.C.:

1. Heard the Advocate appearing for the Applicant No.1 and the learned A.P.P for the State. The Applicant No.1 is accused No.1 who has been convicted of offence punishable under section 307 of the Indian Penal code. She has been sentenced to suffer rigorous imprisonment for five years. The Applicant No.1 is also convicted for offence under section 182 of the Indian Penal Code and she is sentenced to suffer rigorous imprisonment for three months. Both the sentences are to run concurrently. The Applicant No.1 who is a woman aged about 60 years was on bail throughout the trial and there is no allegation of misuse of liberty granted in favour of the Applicant

No.1.

2. On the last date the learned A.P.P was directed to ascertain the place of residence of the victim. The learned A.P.P on instructions of the concerned officer states that on making local inquiries he was unable to ascertain the present place of residence of the victim of the offence. The learned Advocate for the Applicant No.1 states that the victim is residing with her parents at Solapur.

3. Considering the age of the Applicant No.1 and considering the fact that the Applicant No.1 was on bail throughout the trial, in view of the decision of the Apex Court in the case of Bhagwan Rama Shinde Gosai & others Vs. State of Gujarat [(1999) 4 Supreme Court Cases Page 421], the Applicant No.1 will have to be enlarged on bail. However, stringent conditions will have to be imposed. The learned Advocate for the Applicant No.1 has stated that till the disposal of the Appeal, she will reside with her daughter at Dombivali, District Thane.

4. Hence, I pass the following order:

(i) The Applicant No.1 shall be enlarged on bail in the sum of Rs.5,000/- with one or two local sureties in the like amount.

(ii) The order granting bail will be given effect only after the Applicant No.1 furnishes complete address and telephone number of her place of residence at Dombivali, District Thane.

(iii) Bail is granted subject to condition that till the disposal of the Appeal, the Applicant No.1 will not enter district Solapur.

(iv) Bail is granted subject to condition that the Applicant No.1 will report to the local police station on every first Saturday of every calendar month till the disposal of the Appeal.

JUDGE